

# REGULAR COUNCIL

February 4, 2019

Mayor Kling called the meeting to order at 6:00 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield, Skaug were present.

## ❖ (1) Consent Agenda (Action Items) ❖

Mayor Kling amended the agenda by removing the Agency/External Communications for the Traveling Table Food Pantry Presentation – Claudia Dina.

**MOVED** by Hogaboam and **SECONDED** by Bruner to **approve the Consent Agenda as presented with the above mentioned amendment;** Regular Council Minutes of **January 22, 2019** and Special Council Meeting of **January 25, 2019; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes; Planning & Zoning Commission Minutes; Library Commission Minutes; bills paid;** The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals: 1)** None; **Authorize Public Hearings: 1)** Annexation and Zoning to HI (Heavy Industrial) at 0 Cherry Lane (Parcel R30839011A0) for construction of a Warehouse facility (Tax 03066 – 24.39 acre portion of the SE ¼ of Section 4 T3N R2W BM) for Richard Evans; **2)** Amendment of Sections 10-4-10, 10-16-11 referring to a New Title 10, Chapter 34 for projects developed in GB zones, the HC zone and the BC zone, deletion of Section 10-4-11, Section 10-9-11, Section 10-16-12 regarding Design Review procedures and deletion of Section 10-4-12, Section 10-9-12, and Section 10-16-13 regarding appeals for the GB zones, the HC zone and the BC zone; and Establishment of a new Chapter 34 Design Review to include Section 10-34-1: Description and purpose, Section 10-34-2: Approval Required, Section 10-34-3: Applicability, Section 10-34-4: Application Referral, Section 10-34-5: Inclusive Approval, Section 10-34-6: Committee Review Procedure(s), Section 10-34-7: Administrative Review Procedures, Section 10-34-8: Application Content Requirements, Section 10-34-9: Appeals of Application(s); **Authorize to Proceed with Bidding Process: 1)** Authorize the Engineering Division to proceed with the formal bidding process for WWTP Trunk line Flow Meter Project (FY19); **Authorization for execution of Contracts and Agreements: 1)** Authorize Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC dated June 18, 2018, and (2) Nampa Municipal Airport Land Lease Agreement with Brian Paden, effective February 5, 2019, for Lot 2020 (Reviewed and Approved by Legal Counsel); **2)** Authorize Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC dated June 18, 2018, and (2) Nampa Municipal Airport Land Lease Agreement with Youngwerth Airplanes, LLC, effective February 5, 2019, for Lot 2024 (Reviewed and Approved by Legal Counsel); **Monthly Cash Report: 1)** None; **Resolutions: 1)** Disposition of Waterworks Property; **License for 2018: 1)** **Ridgecrest Golf Club**, 3730 Ridgecrest Drive, on-premise beer, wine and liquor; **Pete’s Tavern**, 11 12<sup>th</sup> Avenue South, on-premise beer and wine; **Texas Roadhouse**, 1930 Caldwell Boulevard, on-premise beer, wine and liquor; **Tiny’s Lounge**, 10 12<sup>th</sup> Avenue South, on-premise beer, wine and liquor; **Greenhurst Chevron**, 3030 East Greenhurst Road, off-premise beer and wine; **Little Saigon**, 1305 Second Street South, on-premise beer and wine; **Applebee’s**, 1527 Caldwell Boulevard, on-premise beer, wine and liquor; **Holiday Inn**, 16245 North Merchant Way, on-premise beer, wine and liquor; **Campos Market**, 3302

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Caldwell Boulevard, off-premise beer and wine; **Miscellaneous Items:** 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the:

MOTION CARRIED

❖ (2) Proclamation ❖

**Item #2-1.** – Healthy Relationships & Safe Babies

**Whereas**, Saltzer Medical Group has been serving the medical needs of generations in the Treasure Valley for over 70 years; and

**Whereas**, Saltzer Medical Group is committed to the wellbeing of all citizens that live in our community; and

**Whereas**, the Healthy Relationships/Safe Babies Campaign is focused on helping young men and women make good decisions regarding the safety and health of their relationships before they decide to have a baby; and

**Whereas**, in Idaho between 2009-2015, 2,887 children were physically injured in a violent crime committed by an adult family member and 8,136 children were victims of a violent crime committed by an adult family member, this number includes all children who were victims in a violent crime, even if a physical injury was not documented; and

**Whereas**, a recent nationally representative survey of youth in the United States discovered more than half of the youth who reported witnessing domestic violence were also directly maltreated by a known adult; and

**Whereas**, the physicians at Saltzer Medical Group support this campaign by talking to patients and making them aware of red flags of controlling and abusive relationships and also what makes up a healthy relationship; and

**Whereas**, Saltzer Medical Group, with its long history of serving the health of the community of Nampa and Caldwell promotes the wellbeing of its patients and future patients; and

**Whereas**, this February 2019 Saltzer Medical Group launches the Healthy Relationships/Safe Babies Campaign throughout the Treasure Valley.

**Now Therefore**, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim February 2019, to be

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## “Healthy Relationship/Safe Babies Month”

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 4th day of February in the year of our Lord two thousand nineteen.

Dr. Megan Casper thanked the Mayor and Council for their support. We all want our babies to be safe, unfortunately it is not as good as we would like it to be here in Idaho. Planning for a pregnancy is exciting, women and their partners are looking at healthy diet, lifestyle and it is a great opportunity to also talk about relationships, the health of a relationship. It is a great opportunity to take a step back even before domestic violence and abuse occurs and address some of those precursor warning signs. The Saltzer group that was in attendance introduced themselves.

### **Item #2-2. - Cabin Fever Reliever Day**

**Whereas**, our children are very important to the future of our natural resources and we want to provide them with the positive influences of being outdoors while enjoying the excitement of fishing; and

**Whereas**, it is our privilege to help educate our children on the fundamentals of fishing and conservation; and

**Whereas**, our mission is to help build and sustain healthy communities by providing education, conservation and outdoor recreation in a safe and inviting environment for kids and their families while enjoying the sport of fishing; and

**Whereas**, the City of Nampa is honored to recognize the efforts of Kids First Cast, Inc., and all of those who provide an outstanding example for our youth and our community.

**Now Therefore**, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim February 16, 2019

## “Cabin Fever Reliever Day”

in the City of Nampa. I encourage all citizens of the City of Nampa to congratulate Kids First Cast, Inc. on their efforts to educate our children on the fundamentals of fishing and conservation and to join in the events and activities of this special day.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 4th day of February in the year of our Lord two thousand nineteen.

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Those that were in attendance for the Cabin Fever Reliever Day thanked the City Council and the Mayor. This is our 7<sup>th</sup> annual Cabin Fever Reliver Day at Karcher Mall. It has been one of our biggest events. We have been established since 2011; we are non-profit and we have worked with over 35,000 kids so far and we are continuing to grow. We also get involved with fishing in the local areas: the ponds not only in Nampa, but in Caldwell, Meridian, all over. Our goal is to teach the kids the basics of fishing, conservation and how a family unit works when it comes to fishing. We also take veterans fishing.

Councilmember Levi said that she has been privileged to work with Kids First Cast for about the last 3 ½ years and to see what they do with kids and the families and the opportunities that they provide for them.

❖ **Mayor Kling asked if there were any Nampa Residents wishing to speak on any agenda item (5 persons limit):** ❖

- None

❖ **Mayor Kling asked if there were any Nampa Residents wishing to speak on any item that was not on the agenda (5 persons limit):** ❖

- Ken Hatchett, 15 South Stillwater Way – towing out of a lot downtown Nampa and the cost of being towed Avco Transition Towing (\$365.00) warning people not to park at 1<sup>st</sup> Street South and 13<sup>th</sup> Avenue South

❖ **Mayor Kling's and Council Comments** ❖

- None

❖ **Agency/External Communications** ❖

- Traveling Table Food Pantry Presentation by Claudia Dina – was postponed until the second meeting in March.

❖ **(3) Staff Communications** ❖

**Item #3-1.** – Public Works Director Tom Points presented a staff report to update the council on current projects as follows:

**Street Division Snow Removal Update** – Street Division crews continue winter maintenance activities by applying Magnesium Chloride (MgCl<sub>2</sub>), salt and/or brine. The following highlights labor hours and material expenditures:

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**FISCAL YEAR 2019 TOTALS**

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	60		
Regular Hours	279		
Water Issues			
<b>Total Hours</b>			
Mag Chloride		34,501	
Sand			
Salt			311

*Snow/Water Event No. 6*

*Report for January 16, 2019*

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	80		
Water Issues			
<b>Total Hours</b>			
Brine		9,150	
Sand			
Salt			80

*Snow/Water Event No. 5*

*Report for January 15, 2019*

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	80		
Water Issues			
<b>Total Hours</b>			
Brine		6,320	
Sand			
Salt			68

*Snow/Water Event No. 4*

*Report for January 7, 2019*

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	20		
Water Issues			
<b>Total Hours</b>			
Brine		1,860	
Sand			
Salt			20

***Snow/Water Event No. 3***

***Report for December 26-27, 2018***

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	90		
Water Issues			
<b>Total Hours</b>			
Brine		5,880	
Sand			
Salt			117

***Snow/Water Event No. 2***

***Report for December 10, 2018***

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	1		
Regular Hours	9		
Water Issues			
<b>Total Hours</b>			
Mag Chloride		5,600	
Sand			
Salt			

***Snow/Water Event No. 1***

***Report for November 30 - December 3, 2018***

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	59		
Regular Hours			
Water Issues			
<b>Total Hours</b>			
Mag Chloride		5,691	
Sand			
Salt			26

**Wastewater Division Annual Biosolids Disposal Report** - The Nampa Wastewater Treatment Plant (WWTP) is required by the Environmental Protection Agency (EPA) to submit an annual biosolids disposal report. The report informs EPA on the pounds of sludge hauled out for disposal, as well as the location of the disposal site. The report will be submitted before February 15, 2019, to EPA. The report identifies different components of the biosolids disposal process that the Nampa WWTP utilizes to achieve Class B biosolids:

- Anaerobic digestors for pathogen reduction
- Belt press and drying beds for dewatering and drying the biosolids before transferring offsite

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- The EPA Lab Method number used to run samples for metals and organic constituents

In calendar years 2017 and 2018, the WWTP disposed of 4,608 and 4,270 tons of biosolids at landfills for a cost of \$92,068 and \$79,113, respectively.

In calendar year 2019, the WWTP biosolids disposal is anticipated to double as the plant begins fulltime phosphorus treatment mode.

**Wastewater Design Review Committee Meeting No. 5 Summary** - The Wastewater Design Review Committee convened for the fifth time on January 17, 2019 (Exhibit A). The committee reviewed five briefings (Exhibit B) for the preliminary design of the Wastewater Phase II Upgrades project. Briefing Nos. 14-18 included:

- 1) Aeration Blowers Approach Recommendation (aeration basin air demand)
- 2) Tertiary Treatment Business Case Evaluation Recommendation (filters)
- 3) Sidestream Treatment Business Case Evaluation (struvite harvesting/resource recovery)
- 4) Delivery Method Assessment
- 5) Project Packaging and Delivery Approach Recommendation (alternative project delivery)

All meeting materials are available at the City of Nampa's website under the Wastewater Division (<http://www.cityofnampa.us/1239/Design-Review-Committee>).

The committee plans to meet again on Thursday, February 21, from 7:00 a.m. to 9:00 a.m. at the Nampa Public Library.

**3-2.** – Brian Foster presented the following facilities division update on upcoming projects:

Facilities Development, as part of the Department of Building Safety and Facilities Development, is charged with maintaining and improving City property. In the interest of transparency and greater communication the Facilities Management Superintendent, Brian Foster, will provide an update on projects that will be coming to the City Council for approval in the near future.

Currently Facilities Development is managing 44 projects for FY19. Brian Foster will be updating the Council on eight upcoming projects that exceed the \$25,000 threshold and will be scheduled on upcoming agendas.

The project list is coordinated with appropriate departments and funding sources have been identified through the FY19 budget.

During FY18, Facilities Development completed 83 projects; 14 of those projects were equal to or greater than \$25,000. The remaining 69 projects were less than \$25,000.

Preventative maintenance and unplanned repairs and tasks of a smaller dollar value are taken care of through work orders. The Facilities Division has completed 573 work orders year to date for FY19. For the same period in FY18 the Facilities Division completed a total of 444 work orders.

FY2019 Projects with Project Budgets Equal or Greater than \$25,000 - Require Council Approval								
Proj.#	Project	Category/Type	Status	Scope of Work	Anticipated Start Date	Funding Source	Project Budget	Notes
19-020	Fire Station #1 Boiler Upgrade	Capital Renewal	Construction	Replace failing boiler	Spring	Fire	\$52,000.00	Will be on Council agenda to award contract 2/4
19-010	Fire Station #2 TI	Tenant Improvement	Design	Remodel bedrooms and kitchen	Spring	Fire/Impact Fees	\$35,000.00	Received approval to proceed on 1/16. JGT preparing a proposal
19-024	NRC Mezzanine Flooring Replacement	Capital Renewal	Assessment	Replace carpet	Summer	NRC	\$80,000.00	Planned for summer 2019
19-006	Waterworks Truck Shed Heat	Capital Improvement	Construction Procurement	Install gas heaters in the truck shed	Spring	Waterworks	\$39,902.00	Will be on Council agenda to award contract 2/4
19-002	HNPSB Parking Deck Repair & Seal Phase 2	Capital Improvement	Design	Top deck repairs. Go as far as budget allows.	Late Spring	Facilities	\$240,000.00	Signed KPFF proposal on 12/19
19-003	HNPSB Evidence Processing and Storage	Capital Improvement	Design	Modify large evidence storage space to meet growth needs	Summer	Impact fees/NPD	\$140,000.00	Predesign meeting on 1/11
19-026	FJC Roof, HVAC, Electric	Capital Improvement	Design	Roof Replacement, Wall Panel Replacement, Electrical Work, Mechanical Work	Summer	FJC	\$430,530.00	Waiting for environmental clearance from HUD.
19-001	City Hall Chiller Replacement	Capital Renewal	Construction Procurement	Replace the chiller water system including chiller, condenser, etc.	Late Spring	Facilities	\$215,000.00	Bid Opening on 2/26

❖ (4) Unfinished Business ❖

**Item #4-1.** – The following Ordinance was read by title:

Mayor Kling explained that the first reading of the ordinance creating LID 166 and the public hearing for this was on January 22, 2019. We have received a number of calls, both City council and the Mayors office, regarding individuals that wanted to opt out of the LID.

Some discussion occurred regarding grant options at the last meeting regarding CDBG grants and it is not possible to implement them at this time. From a citizen perspective the soonest we can implement them is next year.

Economic Development Assistant Director, Robyn Sellers, addressed the Mayor and Council on the availability of CDBG funds.

Mayor Kling explained that the council voted to move forward with the LID and so it is a process question today; we can do the first reading and go through the regular process; we can do the first reading of the ordinance and pass under suspension of rules which then it is done.

City Engineer Daniel Badger answered questions from Mayor and Council.

Councilmembers made comments and asked questions.

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AN ORDINANCE ESTABLISHING AND **CREATING LOCAL IMPROVEMENT DISTRICT NO. 166** FOR THE CITY OF NAMPA, CANYON COUNTY, IDAHO, FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS TO THE CITY'S **SIDEWALKS, PEDESTRIAN RAMPS, DRIVE APPROACHES, CURBS, GUTTERS AND OTHER RELATED STREET IMPROVEMENTS IN THE DISTRICT**; PROVIDING THE KIND AND CHARACTER OF THE PROPOSED IMPROVEMENTS; PROVIDING THAT SAID DISTRICT SHALL BE CONSIDERED A MODIFIED DISTRICT PURSUANT TO SECTION 50-1705, IDAHO CODE; DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY THEREIN TO BE BENEFITED BY THE IMPROVEMENTS TO BE MADE; PROVIDING FOR THE TOTAL ESTIMATED COSTS AND EXPENSES OF IMPROVEMENTS TO BE LEVIED AND ASSESSED AGAINST THE SAID LOTS AND LANDS TO BE BENEFITED BY SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS ASSESSED AGAINST THE SAID LOTS AND LANDS; PROVIDING FOR THE APPOINTMENT OF THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS HEREBY ORDERED AND THE PREPARATION AND FILING OF AN ASSESSMENT ROLL AND A LOCAL IMPROVEMENT DISTRICT REPORT PURSUANT TO THE PROVISIONS OF SECTION 50-1712, IDAHO CODE; PROVIDING A PROCEDURE FOR THE FILING, CERTIFICATION, NOTICE OF HEARING AND CONFIRMATION OF SAID ASSESSMENT ROLL, AND FOR THE NOTICE AND PAYMENT OF ASSESSMENT INSTALLMENTS SO CONFIRMED; CREATING CERTAIN FUNDS AND DOCKETS; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Skaug and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules.

Councilmembers asked questions and made comments.

City Attorney Maren Erickson addressed the Council.

Mayor Kling asked for a roll call vote with Councilmembers Haverfield, Hogaboam, Skaug voting **YES**; Councilmembers Rodriguez, Bruner, Levi voting **NO** with the Mayor voting **NO** to break the tie.

MOTION FAILED

**Item #4-2.** – The following Ordinance was read by title:

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AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **2420 E. AMITY AVENUE**, COMPRISING APPROXIMATELY 0.95 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE **ANNEXED** INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE **RS 6** (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Stephen Warren)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4415** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #4-3.** – The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **2724 SEMINOLE DRIVE**, COMPRISING APPROXIMATELY 0.51 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE **ANNEXED** INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE **RS 6** (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT

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HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Alan and Karen Wheatley)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Rodriguez and **SECONDED** by Bruner to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4416** and directed the Clerk to record it as required.

MOTION CARRIED

❖ **(5) Pending Ordinances (Postponed Due to Lack of Supporting Documentation)** ❖

- 5-1. 1st reading of ordinance for Annexation and Zoning to Light Industrial at 58 and 0 N. Kings Rd. for construction of Storage Units (A combined 3.87 acre or 168,577 sq. ft. portion of the South Half of the NW ¼ of the SW ¼ of Section 24, T3N, R2W, BM) for Cody Lane-Trek Investment Group **(PH was 9-17-2018)**
- 5-2. 1st reading of ordinance for Annexation and Zoning to RS 7 (Single Family Residential - 7,000 sq. ft.) for Carriage Hill West Subdivision east of Midway Rd. between W. Iowa Ave. and Lake Lowell Ave. (A 122.38-acre portion of the NW ¼ of Section 31, T3N, R2W, BM - 368 Single Family Residential lots or 3.01 lots/gross acre) for Engineering Solutions, LLP representing Toll ID I LLC **(PH was 11-05-2018)**
- 5-3. 1st reading of ordinance for Modification of Annexation and Zoning Development Agreement between Constantine LLC and the City of Nampa for property at 2305 E. Victory Rd. amending: a) condition 2 regarding dedication of right-of-way, b) condition 3 regarding fencing along the North Nampa Lateral, c) condition 4 subsections c, g, and k regarding building design standards, d) incorporating an additional 1.5 acres into the development, and e) substituting a new preliminary plat design which includes the original acreage and an additional acreage (A 4.07-acre portion of the E ½ of the NW ¼ of the NW ¼ of the NE ¼ Section 26, T3N, R2W, B.M.), Annexation and Zoning to RD (Two-Family Residential) at 0 E. Victory Rd. (A 1.5-acre or 65,296 sq. ft. portion of the East ½ of the NW ¼ of the NW ¼ of the NE ¼ of Section 26, T3N, R2W, BM) for Riley Planning Services representing Getty Capital of Idaho (DAMO 025-18, ANN 103-18) **(PH was 11-19-2018)**
- 5-4. 1st reading of ordinance for Zoning Map Amendment from RS-6 to BC for the second parcel west of 11460 W Karcher Rd for Jeremiah Jenkins. **(PH was 12-17-2018)**

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- 5-5. 1st reading of ordinance for Annexation and Zoning to RD (Two-Family Residential) for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for Pontifex Capital, LLC represented by Bob Taunton, Taunton Group LLC (ANN 105-18) (PH was 1-22-2019)
- 5-6. 1st reading of ordinance for amendments to Nampa City Code Title 3 Chapter 7: Developmental Impact Fees (PH was 1-22-2019)

❖ (8) Public Hearings ❖

**Item #8-1.** - Mayor Kling opened a **public hearing** for **modification** of an **annexation and zoning development agreement** (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for **Kent Brown** representing **FIG Laguna Farms LLC** (DAMO 027-18).

Kent Brown, 3161 E Greenwood, Meridian, representing FIG Laguna Farms LLC presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for Modification of an existing Annexation/Zoning Development Agreement between BB One LLC and the City of Nampa and recorded on 03/20/2006 as Instrument No. 200629961 (Ord. no. 3554) by amending, as necessary, Recitals; Agreement Terms; Conditions of Approval, and, Exhibits thereof as necessary to alter generic requirements appertaining to potential commercial development on the Property in order to facilitate development of "Laguna Farms Subdivision" with a total of 312 dwelling units in 78 Four-Unit Townhomes (7 four-plex, 19 eight-plex, and 11 twelve-plex buildings) with 14 common lots and 2 commercial lots.

**Location:** A 24.53-acre parcel (hereinafter the "Property") being located in a GB 2 (Gateway Business 2) zoning district currently addressed as 16852 Caldwell Boulevard situated in the Section 7, T3N, R1 W, Boise Meridian, Canyon County, Nampa, Idaho (hereinafter the "Property")

**Zoning and Planning History:** In 2006, the City approved the annexation and zoning assignment of the Property to GB 2 (Gateway Business 2) for qualification and participation in a Local Improvement District that was intended to facilitate the extension of City sewer services to the Birch-Purdam Drainage area and (based on the Development Agreement language set forth at that

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time), in anticipation of potential development of commercial activity on the Property. Since that time the Property has remained, effectually, undeveloped.

The Planning and Zoning Commission on January 8, 2019 voted to grant Conditional Use Permit and Preliminary Plat Approval, and recommended approval to the City Council of the requested Development Agreement Modification to facilitate development of Laguna Farms Subdivision.

### **Development Agreement Modification**

Criteria to guide the City Council regarding a proposed Development Agreement (DA) Modification in deciding whether to allow a Development Agreement Modification, are absent from state statute or City ordinance. Thus, approving Development Agreements and proposed modifications/amendments thereto becomes a purely subjective decision on the part of the City in reaction to this DA modification application.

Staff has prepared the attached Draft Development Agreement Modification document for Council's review. Finalization of the Agreement would occur prior to the 3rd reading of the ordinance that would enact the Development Agreement Modification if approved. The Conditional Use Permit and Preliminary Plat Approval granted by the Planning and Zoning Commission will not be considered to be of force, and in effect, until the DA Modification is formally approved by the City Council.

The approved Development Agreement associated with an approved speculative commercial plan is already assigned to the Property as previously noted (Ordinance 3554 - Instrument No. 200629961). That entitlement [still] "runs with the land". A copy of said Agreement is hereto attached. Also attached hereafter is a copy of the elevation and other plan view exhibits provided by the Applicant.

### **Recommended Condition(s) of Approval**

As pertaining to the requested Development Agreement Modification approval: Should the City Council vote to accept the Planning and Zoning Commission recommendation and approve of the requested Development Agreement Modification, the Staff would recommend that the Council consider imposing the following Condition(s) of Approval:

- 1) That the Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved

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in the review of the Applicant's request for the Property's entitlement(s), including insertion of concept plans therein.

Those appearing in favor of the request were: John Carpenter, T.O. Engineers, 332 North Broadmore.

No one appeared in opposition to the request.

Councilmembers asked questions.

Kent Brown addressed council on the need.

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **close** the **public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Skaug to **approve** the **modification** of an **annexation and zoning development agreement** (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for Kent Brown representing FIG Laguna Farms LLC as presented and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (6) New Business ❖

**Item #6-1.** - Mayor Kling presented the request to **authorize** the **acceptance** of the **bid** by **Municipal Emergency Services** and acquisition of 60 new SCBA Packs for the Nampa Fire Department in connection with the AFG FEMA grant. (Approved by Legal Counsel)

Fire Chief, Phil Roberts, presented a staff report explaining that the AFG FEMA Grant Amount is \$1,489,900 for all 9 departments involved.

Nampa Fire Department Portion is \$458,500 for 60 new SCBA Pack with all included equipment.

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Total Nampa Fire Department 10% Cost Match is \$45,850 designated to come from the Major Acquisition Purchase Fund (MAP Fund).

The Nampa Fire Department is requesting approval to accept the bid proposed by Municipal Emergency Services (MES) for the amount of \$1,408,780 which satisfies the RFP that the Nampa Fire Department put to bid on January 7th, 2019.

With this memo I have included the original RFP, the cover letter, the highlighted language used in the FEMA Regional SCBA Grant Narrative, and a complete bid analysis form.

The Nampa Fire Department solicited bids in accordance with Idaho Code 67-2806A, and in recommending a bidder, considered factors such as: an innovative solution that is offered; unique product features; price; vendor experience in the market; financial stability of the vendor; differences among vendors in their ability to perform contract requirements in a timely or efficient manner; ability to meet product specifications; product quality; product performance records; past performance; and future product maintenance or service requirements. With guidance from our FEMA Regional representative, and using proper federal procurement procedures, the Nampa Fire Department has chosen a bid that is 2% higher than the lowest bid due to the consideration of the listed factors. The bid presented by MES satisfies 31 /31 of the general requirements listed on the RFP. The bid presented by MES also satisfies the language used in the narratives presented in our awarded FEMA Regional Grant. The lowest bid by Qal-Tek, a distributor for Drager, only meets 23/31 general requirements. The Drager SCBA does not fulfill the language used in our FEMA Regional Grant narrative as the SCBA is not used by any of our neighboring fire departments, making them inoperable amongst these departments. The Nampa Fire Department is currently using Drager SCBA's and has had a very poor history of customer service and operability with these SCBA' s.

The process of purchasing these SCBA's has followed proper federal and state procurement procedures and has involved and been reviewed by the City of Nampa Legal Counsel at Hamilton, Michaelson & Hilty, LLP.

Chief Roberts introduced Captain Jardene who serves in our training division.

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **accept** the **bid** by **Municipal Emergency Services** and acquisition of 60 new SCBA Packs for the Nampa Fire Department in connection with the AFG FEMA grant. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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**Item #6-8.** - Mayor Kling presented the request to **authorize the Mayor to sign encroachment agreement** with **Dennis Harmon** at the corner of 10<sup>th</sup> Avenue North and 4<sup>th</sup> Street North.

Tom Points presented a staff report explaining that the Engineering Division received a request for an encroachment agreement for a book kiosk at the corner of 10<sup>th</sup> Avenue North and 4<sup>th</sup> Street North from Dennis Harmon who owns the adjacent property.

The proposed kiosk will be located behind the sidewalk at the corner (Exhibit A).

The proposed kiosk will look like the example shown in Exhibit B.

Mr. Harmon has stated it is his intent to install 10 kiosks throughout the northside, though no other locations have been identified at this point. Additional locations will require encroachment agreements be executed for those sites as well.

Engineering has reviewed the requested encroachment agreement and does not oppose granting the request.

Dennis Harmon said that the idea of placing the Library boxes in the north of Nampa was because I believe there is a need for books. Our proposal was to get a location by the warehouse that we have and then try to locate 10 others on the north on certain corners. They will be about 60% children books, three or four shelves and then some adult books. There is a real need as drugs are prevalent in the neighborhood. Mike put the Library boxes together; we will be maintaining the boxes. The Friends of the Library are delivering books on Friday.

Mayor and Council asked questions and made comments.

The question was asked if the council could add to the motion to allow for all of the encroachments to be approved in the motion.

Maren Erickson explained that you should have an action item in the future that authorizes the Mayor to sign a number of encroachment agreements. You will have to approve it tonight as it was on the agenda and then in the future x amount of agreements.

**MOVED** by Levi and **SECONDED** by Bruner to **authorize the Mayor to sign the encroachment agreement** with **Dennis Harmon** at the corner of 10<sup>th</sup> Avenue North and 4<sup>th</sup> Street North. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-2.** – The following Resolution was presented:

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Mayor Kling explained that this has been reviewed by legal. It is my understanding that our procurement policies have not been updated since 2005 and legal provided initial review of this and said that it is good to go. It is needed for a grant, I understand, for Police and they needed the updated. These may come back again as we give more review to them.

**RESOLUTION OF THE CITY OF NAMPA, IDAHO, AN IDAHO MUNICIPAL CORPORATION, APPROVING AND ADOPTING THE CITY OF NAMPA PROCUREMENT POLICY.**

**MOVED** by Bruner and **SECONDED** by Rodriguez to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **11-2019** and directed the clerk to record it as required.

**MOTION CARRIED**

**Item #6-3.** - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign a contract** with **American Mechanical** for the Water Works truck shed heat project.

Facilities Supervisor Brian Foster presented a staff report explaining that Facilities Development, as part the Department of Building Safety and Facilities Development, is charged with maintaining and improving City property. Water Works has identified a need for installation of heating units at the Water Works Truck Shed. The Proposer provides all management, supervision, labor, materials, supplies, and equipment, and will plan, schedule, coordinate and assure effective performance of all services described herein.

Facilities Development solicited bids from contractors for the heat project. A pre-bid walk through was conducted at the project site on December 13, 2018 at 11:00 a.m.

A total of four (4) bids were received on December 20, 2018.

The apparent low bid was received from American Mechanical.

The project is to be funded by Water Works. The expenditure was approved as part of the 2019 budget for an amount of \$30,000. The total cost of the project will be \$39,902, which includes the design fees of \$2,070, HVAC of \$30,432 and Gas line install of \$7,400. Based upon the bid exceeding the budget, Water Works has determined the remaining amount of \$2,502.00 for the HVAC will be paid from Waterworks Repair and Maintenance Building. The \$7,400 gas line will come from Waterworks Contracted Services.

Contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

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**MOVED** by Bruner and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor to sign the contract with American Mechanical for the Water Works truck shed heat project not to exceed contract amount of \$37,832.00.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

**Item #6-4.** - Mayor Kling presented the request discussion on adding “No Smoking” signs to the Nampa Library square.

Councilmember Hogaboam: For several months I have been talking to various members within the City and in our packet there are two letters that spoke to it. I had lunch a Boise Fry Company with guests from out of the city and it was embarrassing as they looked at Library Square. There were 12 smokers over the hour and half that we were there and plenty of vapors. There were three smokers standing right outside the front door. I counted at least 50 butts in the fountain area. If we have an ordinance it will be a statement on what type of community we want to be.

Mayor Kling explained to Council that this item was talked about at the directors meeting this morning and that there is a lot of support for this. It has to do with enforcement, how broad do we go or do we stay only with the Library.

Economic Development Director, Beth Ineck, talked about how the Nampa Development Corporation constructed Library Square and still has ownership of Library Square. There is a lease agreement in place between NDC and the City for the Library itself but the plaza piece is governed by a common area maintenance agreement. If the desire of Council is to just have signage at Library Square saying this is a “No Smoking Area” that would be action by NDC and requires permission from the Gardner Company to just do signage. If we wanted to move forward with some type of ordinance that said by city code “No Smoking in theses areas” then that is certainly a City Council decision that would require NDC to abide by that city code.

Some of the results from our surveys was that we want a family friendly downtown. We want the downtown to be a great place for kids and for families. What we have seen in Boise is that the citizens start to police it themselves with telling others that this is a no smoking zone. It is already no smoking with in 20 feet at the Library.

Chief Huff said that he agrees with everything that has been said. I would caution you on actually doing an ordinance; I agree with the signage. I did educate myself on the City of Boise and they have a strict no smoking ordinance that is 20 feet and they said that they write a lot of tickets for it.

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Currently in Nampa it would not fall in our call volume to actually send a officer out. If someone was at the library and asked to move along, just with the type of calls that we respond to I just don't want to make any false promises because right now we would not send an officer to that particular call. However, the ordinance in Boise it is a \$50 dollar fine. They have more juice for the squeeze out of the bars downtown that actually allow the smoking to go on even though it is a green zone and that is \$100 to \$1,000 dollar fine, depending on the amount of citations that are issued. We do not have a bar team like Boise and that is where the majority of their citations are issued.

Councilmembers asked questions of Chief.

Maren Erickson said that property owners have the ability and the right to police their own property in any way that they would like. So if there are signs up on private property they can enforce them. The Library Director coming out and saying "don't smoke" or citizens saying "don't smoke" the police can also respond to that if there is some contention that has arisen. The point of the ordinance would be to attach enforcement ability on the side of the city to have some legal teeth to say, 'if you do that, then the city can enforce it and the consequences are a, b, and c.' The ordinance would police all areas in the downtown, for example, the way Boise does it; they have a 20 foot in front of any entrance of any building and the grove has an area that there is no smoking at all. They have by resolution that the city clerk can establish areas throughout the city that you are able to smoke.

Mayor and Councilmembers asked questions and made comments.

Library Director Claire Connely said that we had an experience just this afternoon with 4 men smoking in the stairwell of the parking garage and we got complaints about it and Alex Wade called the police and they came and spoke to the gentleman. We are just right now putting out our annual survey. It has been out since last Friday and it will go through February, so it has been out a little less than 4 days. We have had 155 comments since Friday and one of the questions that we put is Idaho Statue 39-5502 which states that smoking is prohibited 20 feet from library entrances do you think that this is an adequate distance. It was a **yes / no** answer. Out of the 155 we received 52% who say **Yes** and 47% who say **No**. However, what is more interesting is we had an optional comment section and we got 37 comments. A couple of them are "I have had to walk past people smoking in front of the library and I usually park on the side drop off box of the parking garage. My sons both have asthma and I try to keep them away from the smokers, I don't think that smoking should be allowed on library grounds and I wish there was no smoking on premises because the water fall and grass area are full of butts." All 37 comments are negative about smoking. I am sure by the end of the month we will have many more. 20 feet is in front of the benches.

Mayor and Councilmembers asked questions and made comments.

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**MOVED** by Hogaboam and **SECONDED** by Rodriguez to **authorize** the City Attorney to draw an ordinance for no smoking around Library Square, internal areas which would cover the bench areas, the grass areas and the fountain areas but not the alley way or the sidewalks. The Mayor asked for a roll call vote with Councilmembers Levi, Rodriguez, Hogaboam voting **YES**. Councilmembers Bruner, Haverfield, Skaug voting **NO** and the Mayor voted **YES** to break the tie. The Mayor declared the

MOTION CARRIED

**Item #6-5.** - Mayor Kling presented the request for discussion on adopting the Boise's towing regulations in Nampa.

Beth Ineck presented a staff report explaining the following: She explained that citizens have had some difficulty with towing on privately owned lots.

- Licensing regulations
- License application procedures
- Requirements and responsibilities of licensees
- Employee license to perform non-consent tows
- Required records
- Denial, suspension or revocation of license
- Towing regulations
- Specific request for tow
- Required notification of private property tows
- Unlawful request for tow
- Release of vehicle
- Removal of vehicles from public streets and property
- Tow trucks and storage rates
- Tow fee rates
- Daily storage rates
- Additional allowed fees
- Penalties

This is a brief rundown of what is in the towing ordinance.

Mayor and Councilmembers asked questions and made comments.

Beth Ineck stated that this is a non-consent towing legislation which is different from abandoned vehicles.

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**MOVED** by Hogaboam and **SECONDED** by Skaug to authorize a ordinance that has more than cash as an option of payment.

**MOVED** by Hogaboam and **SECONDED** by Skaug to direct legal counsel to bring a draft ordinance for the city of Nampa using the comments from council tonight. The Mayor asked all in favor say “aye” with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

**Item #6-6.** - Mayor Kling presented the request to **authorize** the **approval** of a **change order** for a **secondary pool boiler** in the amount of **\$63,623** for the **Nampa Recreation Center**.

Parks and Recreation Director Darrin Johnson presented a staff report explaining that in FY18 Nampa City Council approved funding for the renovation of the heating system for the Nampa Recreation Center aquatic facility. The renovation project replaces old technology that has exceeded its lifespan with modern condensing boilers.

We are requesting a change order, in the amount of \$63,623, that would add a secondary condensing boiler. The secondary boiler would prevent a “one point of failure” for the swimming pools. In the event the primary heating system fails, the secondary boiler would maintain pool temperature and provide patrons with heated pools during repairs. Proposed changed order is attached.

The secondary boiler requested was an alternate bid item in the original scope of the project. We elected not to include the alternate item originally because it put the project over the budgeted amount. After having a very financially successful year at the Nampa Recreation Center we are in a good position to add the secondary boiler.

The cost of the change order is \$63,623. The funding would come from the Nampa Recreation Center Division fund balance. Approval would require a budget amendment.

**MOVED** by Bruner and **SECONDED** by Rodriguez to **authorize** the **approval** of a change order for **secondary pool boiler** in the amount of **\$63,623** for the **Nampa Recreation Center**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-7.** – The following Resolution was presented:

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RESOLUTION OF THE CITY OF NAMPA, IDAHO, AN IDAHO MUNICIPAL CORPORATION, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THAT CERTAIN STATE OF **IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY LOAN OFFER**, ACCEPTANCE AND AGREEMENT FOR WASTEWATER TREATMENT FACILITY DESIGN AND CONSTRUCTION.

**MOVED** by Haverfield and **SECONDED** by Bruner to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **12-2019** and directed the clerk to record it as required.

MOTION CARRIED

**Item #6-9.** - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign contract for 2019 Water Meter Equipment with Hydro Specialties Company.**

Tom Points presented a staff report explaining that the Water Division continues to implement the Automated Meter Reading (AMR) System through the installation of AMR compatible water meters.

AMR water meters are installed at new developments and through the meter replacement program. Water meter inventory needs to be replenished to continue this effort.

Percent AMR installed and completed in City is 49%

The past FY 2017 Water Meter Equipment contract with HD Supply Waterworks, Ltd., expired December 31, 2018.

The City received two (2) bids from:

1. Hydro Specialties Company
2. Core & Main

Hydro Specialties Company was determined to be the lowest responsive bidder at \$405,700.00 (See Exhibit A). All necessary public bidding requirements appear to be satisfied.

The Fiscal Year 2019 Water Meter Equipment budget is \$888,570.

Contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

Staff have reviewed the bids and recommend award to Hydro Specialties Company.

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**MOVED** by Bruner and **SECONDED** by Hogaboam to award bid and authorize Mayor to sign contract for 2019 Water Meter Equipment with Hydro Specialties Company in the amount of \$405,700.00. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-10.** – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE UNDERLYING IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND CHANGING THE BOUNDARIES THEREOF; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDING. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Haverfield and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4417** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #6-11.** - Mayor Kling presented the request for **authorization** to **proceed** with **bid process** for LID 166 this item was removed from the agenda due to the ordinance to create the LID failed.

❖ (7) **Executive Session** ❖

**Item #7-1.** - Mayor Kling presented a request to adjourn into **Executive Session Pursuant** to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

**Item #7-2.** - Mayor Kling presented a request to adjourn into **Executive Session Pursuant** to Idaho Code 74-206 (1) (e) To consider preliminary negotiations involving matters of trade or

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commerce in which the governing body is in competition with governing bodies in other states or nations.

**Item #7-3.** - Mayor Kling presented a request to adjourn into **Executive Session Pursuant** to Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

**MOVED** by Hogaboam and **SECONDED** by Levi to **adjourn** into **executive session** at 8:43 p.m. pursuant to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general and Idaho Code 74-206 (1) (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations and Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Hogaboam to **conclude the executive session** at 10:55 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general and Idaho Code 74-206 (1) (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations and Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Hogaboam to **adjourn the meeting** at 10:56 p.m. The Mayor declared the

MOTION CARRIED

Passed this 19 day of February 2019.

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MAYOR

ATTEST:

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CITY CLERK